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Message Text

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21
ORIGIN ORM-01

INFO OCT-01 NEA-10 IO-10 ISO-00 SR-02 SS-15 NSC-05 L-03

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---------- 040536
R 032254Z JUN 75
FM SECSTATE WASHDC
TO AMEMBASSY CAIRO
INFO USMISSION GENEVA

C O N F I D E N T I A L STATE 129556

CAIRO ALSO PASS ALEXANDRIA FOR INFO

E.O. 11652: GDS

TAGS: SREF

SUBJECT: ASSISTANCE TO REFUGEES: REQUEST FOR POLITICAL ASYLUM

REF: CAIRO'S 4980

1. DEPARTMENT COMMENDS EMBASSY IN ITS HANDLING OF ASYLUM CASES IN EGYPT AND APPRECIATES THE DIFFICULTIES INVOLVED BOTH WITH EGYPTIAN GOVERNMENT AND WITHIN EMBASSY ITSELF. AT BEST, THESE CASES ARE DELICATE AND TRICKY.

2. IN ANY FURTHER DISCUSSIONS WITH RIAD ON ASYLUM PRACTICE, FOLLOWING POINTS MIGHT BE MADE:

A. WE REGARD GRANTING OF ASYLUM AS THE RIGHT AND CONFIDENTIAL

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RESPONSIBILITY OF THE HOST GOVERNMENT. WE ARE AWARE OF THE TRADITIONALLY LIBERAL VIEW OF EGYPTIAN GOVERNMENT TOWARD ASYLUM AND APPRECIATE RIAD'S ASSURANCES OF COOPERATION. REGRETTABLY THIS OFFICIAL VIEW ON ASYLUM DOES NOT ALWAYS

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GET TRANSLATED INTO APPROPRIATE ACTION BY EGYPTIAN
POLICE AUTHORITIES AT LOWER LEVELS.

B. WE CAN APPRECIATE RIAD'S CONCERN FOR THE PROBLEMS A
REFUGEE MAY POSE IN EGYPT'S RELATIONS WITH OTHER COUNTRIES.

ALTHOUGH EGYPT HAS NOT SIGNED THE PROTOCOL OR CONVENTION
RELATING TO STATUS OF REFUGEES, WE BELIEVE THAT IT IS THE
RESPONSIBILITY OF ANY STATE IN DEALING WITH ASYLUM SEEKERS
TO ASSURE AN APPLICANT FOR ASYLUM THE OPPORTUNITY TO
PLEAD HIS CASE OR RECEIVE DUE PROCESS, AND FURTHER TO
AVOID ACTIONS WHICH COULD RESULT IN THE FORCIBLE RETURN
OF A REFUGEE TO A COUNTRY WHERE HIS LIFE OR FREEDOM IS IN
DANGER BECAUSE OF RACE, RELIGION, NATIONALITY, POLITICAL
OPINION, OR MEMBERSHIP IN A PARTICULAR SOCIAL GROUP.
DENIAL OF ASYLUM AND FORCIBLE REPATRIATION OF A REFUGEE
CAN GIVE RISE TO SEVERE CRITICISM AND ADVERSE PUBLICITY
INTERNATIONALLY TO THE DETRIMENT OF THE COUNTRY CONCERNED.
FOR OUR PART, WE WISH TO AFFORD EVERY POSSIBLE ASSISTANCE
TO REFUGEES AND WILL COOPERATE WITH EGYPTIAN OFFICIALS
TO FULLEST EXTENT TO ACHIEVE THIS GOAL, INCLUDING ARRANG-
ING EXPEDITIOUS DEPARTURE OF REFUGEES FROM EGYPT IF
THIS IS NECESSARY.

C. THE U.S. HAS CONSISTENTLY ATTEMPTED TO WORK WITH THE
UNHCR ON ASYLUM CASES AS THE UNHCR IS CHARGED WITH THE
INTERNATIONAL PROTECTION OF REFUGEES AND IN EFFECT REMOVES
THE REFUGEE FROM THE POLITICAL ARENA. THE UNHCR EXECUTIVE
COMMITTEE NUMBERS COMMUNIST AS WELL AS NON-COMMUNIST
STATES AMONG ITS MEMBERS.

D. WE DO NOT CONSIDER THAT GRANTING OF ASYLUM OBLIGATES
A STATE TO KEEP THE REFUGEE WITHIN ITS TERRITORY. WE ARE
PREPARED TO ASSIST A REFUGEE TO OBTAIN PERMANENT RESETTLE-
MENT ELSEWHERE, EITHER IN THE UNITED STATES OR A THIRD
COUNTRY.

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E. PLEASE ASSURE RIAD THAT HIS FEARS ABOUT AN EGYPTIAN
CRIMINAL SEEKING ASYLUM ARE NOT WARRANTED. WE ADHERE TO
THE CONVENTION DEFINITION OF A REFUGEE, I.E., A PERSON
OUTSIDE HIS COUNTRY OF NATIONALITY OR HABITUAL RESIDENCE
WHO IS UNWILLING OR UNABLE TO RETURN THERETO OWING TO A
WELL-FOUNDED FEAR OF PERSECUTION. IT MAY ALSO BE OF
INTEREST TO RIAD THAT ARTICLE 33 OF THE CONVENTION WHICH
PROHIBITS THE FORCIBLE RETURN OF A REFUGEE TO A COUNTRY
WHERE HIS LIFE OR FREEDOM WOULD BE THREATENED ON ACCOUNT
OF RACE, RELIGION, NATIONALITY, POLITICAL OPINION, OR
MEMBERSHIP OF A PARTICULAR SOCIAL GROUP ALSO PROVIDES
THAT THIS BENEFIT MAY NOT BE CLAIMED BY A REFUGEE WHOM
THERE ARE REASONABLE GROUNDS FOR REGARDING AS A DANGER

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TO THE SECURITY OF THE COUNTRY IN WHICH HE IS, OR WHO,
HAVING BEEN CONVICTED BY A FINAL JUDGMENT OF A PARTICULAR-
LY SERIOUS CRIME, CONSTITUTES A DANGER TO THE COMMUNITY
OF THAT COUNTRY.

3. WE PLAN TO DEPEND ON UNHCR TO THE GREATEST EXTENT
POSSIBLE FOR ASSISTANCE WITH ASYLUM CASES IN EGYPT. WE
ARE WILLING TO PROCESS THESE REFUGEES FOR ENTRY INTO THE
UNITED STATES UNDER CONDITIONAL ENTRY PROGRAM (SECTION
203(A)(7) OF IMMIGRATION ACT) WHENEVER POSSIBLE, PROVIDED
REFUGEES ARE NOT INELIGIBLE TO ENTER U.S. UNDER THE ACT.
UNHCR SERVES AS NON-POLITICAL CONDUIT FOR ARRANGING ENTRY
OF A REFUGEE INTO WESTERN EUROPE AND ARRANGING HIS DOCU-
MENTATION. UNHCR CAN ALSO ASSIST IN OBTAINING THIRD
COUNTRY RESETTLEMENT FOR REFUGEES WHO CANNOT BE ADMITTED
TO THE U.S.

4. WE BELIEVE THAT REFUGEE SHOULD BE PHYSICALLY KEPT IN
EMBASSY OR AT RESIDENCES OF OFFICERS ONLY WHEN NO OTHER
ALTERNATIVE EXISTS. LIMITED FUNDS FOR TEMPORARY MAINTEN-
ANCE, TRANSPORTATION ETC ARE AVAILABLE UNDER A GENEVA
ACCOUNT AND WILL BE AUTHORIZED BY THE DEPARTMENT AS
NEEDED.

5. FOR GENEVA: REQUEST YOU DISCUSS WITH UNHCR: A. ISSU-
ANCE OF CLEAR GUIDELINES TO ITS CAIRO REPRESENTATIVE IN
DEALING WITH GOE, ISSUING A TRAVEL DOCUMENT (PARA 6
REFTEL) B. CAN AN ASYLUM SEEKER BE REFERRED TO UNHCR
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(CAIRO) FOR TEMPORARY HAVEN WHILE CASE BEING PROCESSED;
C. CAN UNHCR REP TRAVEL FROM CAIRO TO ALEXANDRIA AS
REQUIRED AS TO ASSURE PROTECTION OF REFUGEE? ANY
GENEVA COMMENTS ON PROCEDURES WOULD BE APPRECIATED. INGERSOLL

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